



Squire Patton Boggs (US) LLP
2550 M Street, NW
Washington, DC 20037

O +1 202 457 6000
F +1 202 457 6315
squirepattonboggs.com

Paul Besozzi
T +1 202 457 5292
Paul.Besozzi@squirepb.com

July 7, 2017

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: **REQUEST FOR CONFIDENTIAL TREATMENT**
ClearCaptions, LLC Annual Consumer Complaint Log Covering June 1,
2016-May 31, 2017
CG Docket No. 03-123

Dear Ms. Dortch,

ClearCaptions, LLC (ClearCaptions), pursuant to the *Protective Order* released in the above captioned docket,¹ hereby requests confidential treatment of the attached information, which provides the number of interstate IP CTS calls handled by ClearCaptions during the time period covering June 1, 2016-May 31, 2017.

ClearCaptions submits this information pursuant to Section 64.604(c)(1),² and consistent with its filing of July 3, 2017.³

¹ See *Structure and Practices of Video Relay Service Program, et al.*, CG Docket Nos. 03-123 and 10-51, Protective Order, DA 12-402 (Mar. 14, 2012) (“*Protective Order*”); see also 47 C.F.R. §§ 0.457, 0.459.

² 47 C.F.R. § 64.604(c)(1).

³ On July 3, 2017, ClearCaptions timely filed its Annual Consumer Complaint Log summaries, withholding the number of interstate IP CTS calls in order to fully “compile and verify the accuracy of the information.” *ClearCaptions, LLC Annual Consumer Complaint Log*, Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123, filed on July 3, 2017.

July 7, 2017

Page 2

ClearCaptions is also submitting a redacted version of this letter pursuant to the *Protective Order*.⁴

ClearCaptions hereby requests that all information contained after the language *****BEGIN CONFIDENTIAL INFORMATION***** and before the headings *****END CONFIDENTIAL INFORMATION***** be treated as Confidential Information under the *Protective Order*.⁵ As described below, the information contained in those headings is proprietary and business information that is not customarily disclosed to the public or within the industry and is subject to Exemption 4 under the Freedom of Information Act (“FOIA”).⁶

ClearCaptions requests that, in the event the Commission denies ClearCaptions’s request for confidentiality, the Commission return the materials without consideration of the contents therein.⁷

(1) *Identification of the specific information for which confidential treatment is sought.*

ClearCaptions hereby seeks Confidential treatment for all of the information in the enclosed filing that is contained after the headings *****BEGIN CONFIDENTIAL***** and before the headings *****END CONFIDENTIAL*****.

(2) *Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.*

The enclosed information is required by Commission rule to be submitted in CG Docket No. 03-123 annually.⁸

(3) *Explanation of the degree to which the information is commercial or financial or contains a trade secret or is privileged.*

The subject information contains sensitive ClearCaptions IP CTS information that would cause harm to ClearCaptions if disclosed. This information is properly designated Confidential Information under paragraph 2 of the *Protective Order*.⁹ Further, this information constitutes proprietary commercial and business information under Exemption 4 of the FOIA.¹⁰ Accordingly, ClearCaptions hereby requests that such information be treated as

⁴ *Protective Order*, ¶ 9.

⁵ *Protective Order*, ¶ 2.

⁶ 5 U.S.C. § 552(b)(4).

⁷ 47 C.F.R. § 0.459(e).

⁸ 47 C.F.R. § 64.604(c)(1).

⁹ *Protective Order*, ¶ 2.

¹⁰ 5 U.S.C. § 552(b)(4).

Confidential Information under the *Protective Order* and not be made routinely available for public inspection.

(4) Explanation of the degree to which the information contains a service that is subject to competition.

In order to prevent unauthorized disclosure of the subject information, ClearCaptions is hereby submitting a request that the subject information be treated as Confidential Information indefinitely. ClearCaptions takes routine measures to ensure the confidentiality of this information during normal business operations, including instructing its employees and contracting partners not to disclose such information outside of ClearCaptions, and restricting access to this information internally.

(5) Explanation of how disclosure could result in substantial competitive harm.

The presence of competitors in the IP CTS market and the likelihood of competitive injury to ClearCaptions threatened by release of this information should compel the Commission to withhold the information designated as Confidential Information from public disclosure. The Commission has provided assurances that it is “sensitive to ensuring that the fulfillment of its regulatory responsibilities does not result in the unnecessary disclosure of information that might put its regulatees at a competitive disadvantage.”¹¹

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure.

In order to prevent unauthorized disclosure of the subject information, ClearCaptions is hereby submitting a request that the subject information be treated as Confidential Information indefinitely. ClearCaptions takes routine measures to ensure the confidentiality of this information during normal business operations, including instructing its employees and contracting partners not to disclose such information outside of ClearCaptions, and restricting access to this information internally.

(7) Identification of whether information is available to the public and the extent of any previous disclosure of the information to third parties.

The subject information is not ordinarily available to the public or to any third parties.

(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure.

As described above, the subject information contains sensitive ClearCaptions information that could cause significant competitive injury to ClearCaptions if disclosed.¹² For

¹¹ *Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816, ¶ 8 (1998).

¹² 5 U.S.C. § 552(b)(4).

July 7, 2017

Page 4

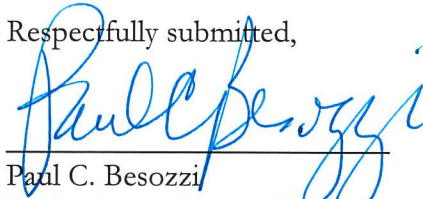
this reason, ClearCaptions respectfully requests that the Commission protect this information from public disclosure indefinitely.

(9) Any other information that the party seeking confidential information believes may be useful in assessing whether its request for confidentiality should be granted.

ClearCaptions requests that, in the event that the Commission denies ClearCaptions's request for confidentiality, the Commission return the materials without consideration of the contents therein.

Please contact the undersigned with any questions.

Respectfully submitted,



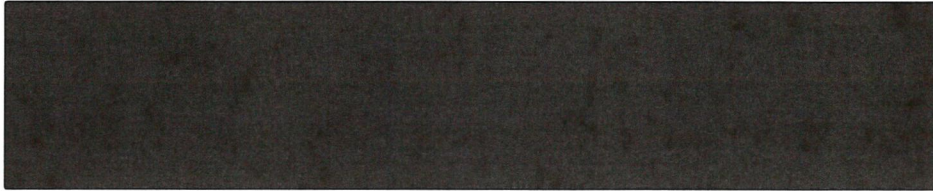
Paul C. Besozzi
Squire Patton Boggs (US) LLP
2550 M Street, NW
Washington, DC 20037
202-457-5292
Counsel to ClearCaptions, LLC

July 7, 2017

Page 5

Number of Interstate IP CTS Calls for the Period
Between June 1, 2016 – May 1, 2017

*****BEGIN CONFIDENTIAL INFORMATION*****



*****END CONFIDENTIAL INFORMATION*****